City of Lafayette
Staff Report
Planning Commission

Meeting Date: April 21, 2025

Staff: Jean Eisberg, Contract Planner

Subject: **TR9716, DR18-24, GP15-24, TP45-24 Project Oak Hill LLC (Owner), SRB-60**
Zoning: Request for 1) Design Review, 2) Category II Tree Permit, 3) Grading Permit, 4) Major Subdivision to redevelop four parcels containing three existing office/retail buildings (3-story 4,700 sq. ft.; 2-story 2,725 sq. ft.; 1-story 1,645 sq. ft.) and construct a 7-story mixed-use development totaling 172,399 gross sq. ft. in area with 90 for-sale units (79 market rate, 5 very low income, and 6 moderate-income units), including 2,000 sq. ft. commercial area, 183 parking spaces and 52 bicycle spaces, and removing approximately 23 trees at 1001, 1007, 1009, and unaddressed parcel Oak Hill Rd, APNs 243-030-033-1, 243-030-020-8, 243-030-041-4, and 243-030-038-0. *The project qualifies for an infill exemption under the California Environmental Quality Act (CEQA) and includes a State Density Bonus with concession and waiver requests.*

EXECUTIVE SUMMARY

This Planning Commission hearing is to review the proposed project, consider revisions to the proposal since the Commission's review in January 2025, and make a recommendation to the City Council to consider approval of the project. The City Council will take final action on the project pursuant to Lafayette Municipal Code Section 6-3611.

On January 21, 2025, the Design Review Commission and Planning Commission held a joint study session on a proposed 90-unit project to discuss massing and design. Since that study session, the application has been deemed complete, rezoning of the subject site associated with the Housing Element has gone into effect, and staff have completed CEQA review of the project. Additionally, the applicant has revised the project based on feedback from Commissioners, City staff, referral agencies, and communications with their neighbors. As a result, staff asks the Planning Commission to hold a public hearing, review the project, including changes since the study session, and adopt Resolution 2025-02 (Attachment A) recommending approval to the City Council.

BACKGROUND

The Planning Commission reviewed a previous version of the project at the subject site in 2024. That version included demolition of two of three existing buildings (i.e., retention of one commercial building) and construction of 53 dwelling units. On April 15, 2024, the Planning Commission recommended approval and on May 13, 2024, the City Council approved the 53-unit project.

January 21, 2025 Design Review Commission and Planning Commission Study Session
On January 21, 2025, the Design Review Commission and Planning Commission held a joint study session on a proposed 90-unit version of the project to discuss massing and design, compliance with Downtown

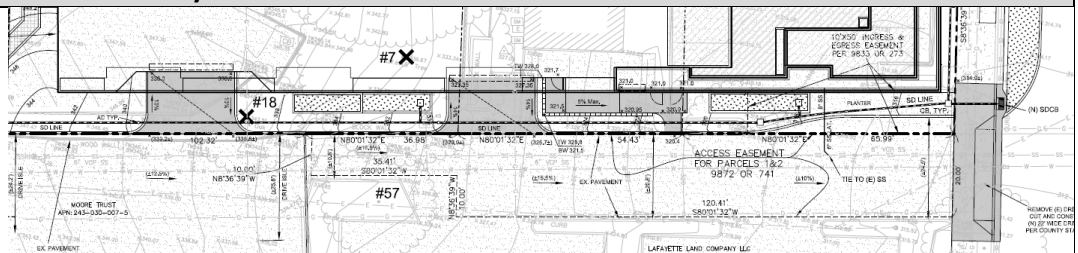
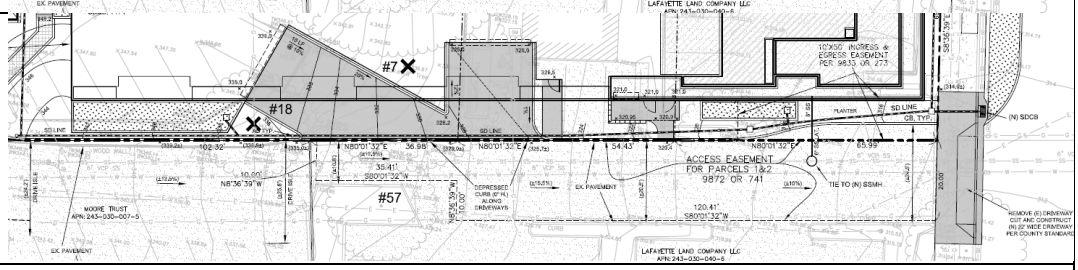
Objective Standards and consistency with the Downtown Design Guidelines. This version of the project proposes demolition of all three existing buildings on the site and merging of all four parcels. The Commissions' comments are summarized below:

- Commissioners generally agreed that although the proposed building is tall, it is well-designed and the stepbacks, deep courtyard, and horizontal details reduce the apparent massing.
- Commissioners mentioned the following details as supporting the quality of the building design: material quality, color palette, shadow lines, window and door elements, trees and landscaping.
- Some Commissioners asked that the c-channel details be maintained as high quality structural elements (not sheet metal).
- Some Commissioners asked that the applicant refine the south elevation to ensure that it is well-designed and landscaped.
- Some Commissioners recommended that the applicant meet the proportional criteria of the below-market rate (BMR) unit requirement by providing an additional 3-bedroom unit.
- Some Commissioners asked that the applicant work with EBMUD to coordinate protection of off-site trees located on EBMUD's property.

Plan Changes Since January 21, 2025

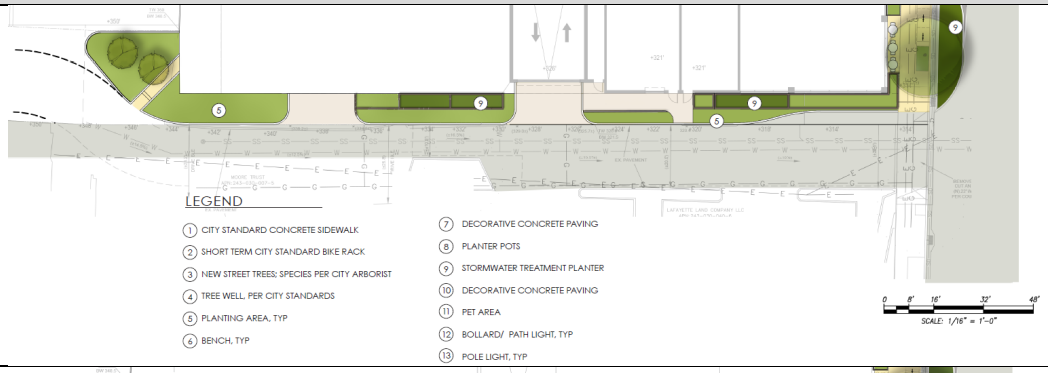
Since the study session, the applicant has revised the project based on feedback from Commissioners, City staff, referral agencies, and communications with their neighbors. These changes are summarized below:

- Driveway/Garage Access: To work within the boundaries of the existing access easement with the abutting property owner, the applicant has revised the driveway entry along Terrace Way and garage entries on the south side of the building.

Garage Entrance and Driveway Access	
Previous Submittal (January 2025)	
Current Submittal (March 2025)	
The applicant revised the western garage entrance (plan left) so that it can be accessed wholly within the existing easement and to avoid removal of an off-site tree ("#57") and parking curb on the abutting neighbor's property. Given the uphill slope to the west, the western garage accesses level 2 and the eastern garage entrance accesses level 1. The garages are not connected.	

- BMR Units: The applicants have swapped out a 1-bedroom BMR unit for a 3-bedroom BMR unit, so that they are now providing BMR unit types (i.e., bedroom counts) that are consistent with the unit types for the project as a whole.

- Retaining Walls/Fences: The applicant has provided details on Sheet A4.1 showing retaining wall heights and proposed fencing to illustrate how the building will look from neighboring properties. Through this exercise, they have reduced the height of retaining walls.
- Public Art Concession: The applicant has requested a concession under State Density Bonus Law from the public art in-lieu fee, which would result in an actual cost reduction for the project.
- South Elevation: The applicant has added trees between the building and property line, as shown in the images below.

<table>
<tr><th colspan="2">South Elevation Design</th></tr>
<tr><td>Previous Submittal (January 2025)</td><td> 
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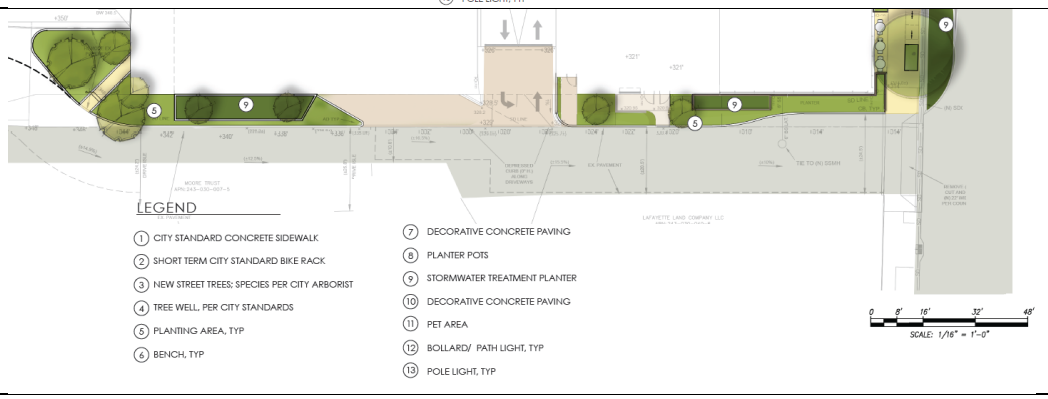
<tr><td>Current Submittal (March 2025)</td><td> 
</td></tr>
<tr><td colspan="2">The applicant has added several trees to the landscape strip between the building and property line in locations where the landscape strip is at least 10 feet wide. The applicant states that there are some limitations on planting, given the driveway locations and stormwater planters.</td></tr>
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March 10, 2025 Design Review Commission Hearing

On March 10, 2025, the Design Review Commission held a public hearing to consider the application in terms of building design, site planning landscaping, and compliance with objective standards, and forward any design comments to the Planning Commission.

Commissioners generally agreed that the massing and stepbacks were well-designed, and the project design fit the site. The Design Review Commission stated the following in their motion for the Planning Commission's consideration:

1. Provide the City with details about how the proposed parking stackers will operate. (Required as COA #38)

2. Consider refinements to the vertical bay on the south elevation to create a horizontal break that reduces the apparent mass from the south. (Not addressed nor required.)
3. Provided landscape details, including species, number of trees, and adequately-sized tree wells as the project is refined. (Required as COA #35)

PROCESS AND FINAL ACTION

The Planning Commission will consider the project based on compliance with objective standards, including zoning regulations and the Downtown objective design standards, consider design review findings, and CEQA, and provide a recommendation to the City Council. Pursuant to Lafayette Municipal Code Section 6-3611, the City Council will take final action on the project since it is proposed under State Density Bonus Law and requests waivers and incentives.

LOCATION & SITE CONDITIONS

The subject property is located near the intersection of State Route 24 (SR-24) offramp and Oak Hill Road and is within ½ mile radius of BART and County Connection bus stops. The combined 1.2-acre project site is zoned Special Retail Business District – 60 (SRB-60) Zoning District. The site is in the Downtown Retail District as outlined in the General Plan and Downtown Specific Plan, and listed in the 2023-2031 Housing Element as an opportunity site in the Sites Inventory, with a realistic capacity of 51 units.

Surrounding the subject site to the north is Highway 24 and the EBMUD aqueduct; to the west is an apartment building and further west are commercial buildings, to the east is a vacant unaddressed parcel that serves as a parking lot; and to the immediate south is a residential building. Commercial uses are located further south along Mount Diablo Boulevard and the intersection of Oak Hill Road and Mount Diablo Boulevard. The site contains street trees on the Oak Hill Rd frontage as well as on Terrace Way.

SITE CONDITIONS

Location:	1001, 1007, and 1009 Oak Hill Rd
Lot Size:	1.207 acres (52,587 sq. ft.)
Zoning:	Special Retail Business-60 District (SRB-60)
General Plan Designation:	Downtown Core-60/ Downtown Retail District (DSP)
Housing Element	Sites Inventory Opportunity Sites (51 units, incl. 6 BMR)
Topography:	Slopes downward from north to south, with a differential of about 30 feet from the northeast corner to the southeast corner
Existing Use:	Commercial and retail buildings
Proposed Use:	Multifamily building with ground-floor commercial

PROJECT DESCRIPTION

The project includes the following components:

- Demolition: Demolish all three commercial/retail buildings and the surface parking lot:
  - one-story building at 1001 Oak Hill Road (approximately 2,725 sq. ft.)
  - two-story building at 1007 Oak Hill Road (approximately 1,645 sq. ft.)
  - three-story building at 1009 Oak Hill Road (approximately 4,700 sq. ft.)

- Tree Removal: Remove approximately 23 protected trees
- Parcel Merger: Merge four parcels at 1001, 1007, 1009 and an unaddressed parcel at Oak Hill Road into one parcel.
- Mixed-Use Development: Construct 90 one-, two-, and three-bedroom for sale units, including 11 below-market rate units, and 2,000 sq. ft. of commercial area, within seven stories and 172,399 gross sq. ft.
- Parking & Access: Parking would be accessed from one driveway off of Terrace Way (a private easement). Two levels of podium parking would contain 183 vehicle spaces, primarily in stackers. Additionally, 52 bicycle spaces are provided, 44 within the building and 8 spaces on the sidewalk.
- Site Improvements: The project would include sidewalk and street tree improvements and contain terraced landscaped areas located in a courtyard setting on the second and third floors, as well as a pool on the fifth floor. The project would increase the impervious surface area but would add stormwater treatment measures, which presently do not exist, in the form of bioretention basins.
- Off-Site Improvements - Utility Undergrounding: In a continued effort to improve resiliency, the City has requested and the applicant has agreed to remove the utility pole in front of Oak Hill Rd. and underground the overhead line across Oak Hill Rd., as shown on Sheet C01.

PROJECT DATA

Characteristics	Proposed Project
Dwelling Units	90
Below-Market Rate Dwelling Units	11
Commercial Floor Area	2,000 sq. ft.
Total Gross Floor Area	172,399 sq. ft.
Building Height	87'-9"
# of Stories	7
Vehicle Parking Spaces	183

TRIGGERS FOR REVIEW

Trigger	Yes	No	Trigger	Yes	No
Within a protected ridgeline setback?	☐	☒	Grading > 50 cu. yards?	☒	☐
Within 100-ft. of a ridgeline setback?	☐	☒	DR required as conditions of approval?	☐	☒
In the Hillside Overlay District?	☐	☒	In a commercial or MFR zone?	☒	☐
Over 17-ft. in height to ridge?	☒	☐	Variance requested?	☐	☒
SFR Development > 6,000 sq. ft.?	☐	☒	Tree Permit Requested?	☒	☐
Creek Setback Determination?	☐	☒	Subject to Public Art Ordinance?	☒	☐

ANALYSIS

Zoning Code

The City's 2023-2031 Housing Element identifies the subject site as an Opportunity Site in the Sites Inventory. Opportunity Sites have an 88% minimum density requirement. Effective February 12, 2025, the site is zoned SRB-60 which allows a density of 60 dwelling units per acre.

The Project is consistent with the Special Retail Business District (SRB-60) zoning district requirements notwithstanding the requested State Density Bonus Law (SDBL) waivers from development standards for setback, height, parking, and building design (objective standard). See the Waivers & Concessions/Incentives table below for more information.

ZONING CODE COMPLIANCE				
	REQUIRED		**PROPOSED**	
RESIDENTIAL DENSITY (max.)	60 du/ac		90 du/ac (SDBL bonus)	
SETBACKS (min.)	Street-Facing: Interior Side: Rear:[1]	10’ 10’ 10’	Street-Facing (Front): Interior Side: Rear :	3’-6” (Waiver req.) 10’ 10'-4”
UPPER STORY STEP-BACK FROM FAÇADE BELOW	10’ step-back above 20’ height Add’l 10’ step-back above 40’ height		0’ (Waiver requested)	
HEIGHT (max.)	60’		87’-9” (Waiver requested)	
OPEN SPACE (min.)	20% of lot area[2] 10,517 sq. ft.		34% of lot area 17,638 sq. ft.	
GROUND-LEVEL LANDSCAPING (min.)	12% of lot area 6,310 sq. ft.		9% 4,947 sq. ft.	
PARKING (min.)	Per Ch. 6-6 ratios: 136 auto spaces 19 bike spaces		183 auto spaces 52 bike spaces	

Affordable Housing

The City’s Inclusionary Housing Ordinance (Chapter 6-37 LMC) requires new residential development in the Downtown to set aside a minimum of 15% of proposed units to be affordable to below-market-rate, income-qualified households (i.e., for-rent units: 9% must be at low and 6% at very low-income). The affordability prices are based on a percentage of the area median income for Contra Costa County published by the CA Department of Housing and Community Development.

The SRB-60 zoning allows a density of 60 units per acre equating to 73 units based on the lot area. State Density Bonus Law (SDBL) allows an increase in the number of units above the density permitted if certain affordability requirements are met.

In this case, the applicant proposes 11 below-market rate (BMR) units: 5 very-low income units and 6 moderate income units. This ratio allows the project to satisfy both the City inclusionary requirements and State Density Bonus Law, namely a density bonus of 22.5% which yields up to 17 additional market-rate units.

[1] If site is adjacent to an existing residential structure of four or more units, there shall be a 10-foot-wide landscaped yard along that property line.
[2] The open space must be unobstructed to the sky, with a minimum dimension of ten feet at any place.

DENSITY & AFFORDABILITY CALCULATIONS		
BASE DENSITY	60 dwelling units/acre x 1.207 acres = 72.4 rounded up per SDBL)	73 base units
BMR UNITS REQUIRED BY CITY ORDINANCE	73 base units x 15% inclusionary = 11 73 base units x 9% Moderate = 7 73 base units x 6% Very Low = 4	11 BMR units
STATE DENSITY BONUS REQUIREMENTS	22.5% density bonus required to achieve 90 units Necessitates at least 6% Very Low Income units	5 Very Low Income units
TOTAL UNITS	73 units permitted (base density) + 17 (density bonus units) 6 Moderate units and 5 Very-Low units to meet Inclusionary and SDBL requirements	Allowed: 90 units Proposed: 90 units

LMC §6-3710 also requires that "inclusionary units must be dispersed throughout the Project and be comparable in terms of bedroom count and exterior design to the market rate units. The inclusionary units must have access to all amenities available to the market rate units." The project proposes comparable design and access to amenities such as open space and lobby services. BMR units are located on every level of the building, except for level 2 and are therefore reasonably dispersed throughout the Project. The applicant has modified the distribution of unit types since their January 2025 submittal so that the bedroom counts are now proportional to the project as a whole.

INCLUSIONARY UNIT MIX				
	1-Bedroom	**2-Bedroom**	**3-Bedroom**	**Total Project**
TOTAL PROJECT	19	49	22	90
PROPORTIONAL BMR REQUIREMENT	21%	54%	24%	100%
REQUIRED BMR UNITS	2	6	3	11
PROPOSED BMR UNITS	2	6	3	11

Driveway and Garage Access

Terrace Way is a private street that currently provides access to the project site and apartments to the west and south of the site. Terrace Way narrows down to just 10 feet west of the garage entries, while still accommodating two-way vehicle traffic. As shown on Sheet A0.2, the applicant proposes circulation in a right-in/left-out configuration, so that vehicles exiting the project garage must travel east on Terrace Way to access Oak Hill Road and may not travel west on Terrace Way.

Aqueduct Path

The City has long envisioned a multi-use trail along the EBMUD Aqueduct. This has been studied and planned as part of the 2006 City of Lafayette Bikeways Master Plan, 2012 Downtown Specific Plan (DSP), and 2012 "Lafayette Feasibility & Options for a Pedestrian and Bicycle Pathway along the EBMUD Aqueduct Right of Way". This study, combined with extensive collaboration between the City, EBMUD, and private developers has resulted in the development of multiple sections of the multi-use path over the past few years, including trails on the western edge of Downtown, as part of the Woodbury, Woodbury Highlands, and (soon) The Brant projects.

Continuation of this pathway east of its current terminus at Dolores Drive will result in a significant multi-modal active transportation facility for bicyclists and pedestrians. However, the steep grades along the aqueduct adjacent to the project site present a challenge to ensure ADA accessibility along the multi-use path. For example, ramping/switchbacks would be required to accommodate upslope grades from Oak Hill Rd. moving west toward BART. The City will need to conduct additional analysis to determine whether a path is physically and economically feasible adjacent to Highway 24 or along the EBMUD aqueduct, and ultimately to support design and construction of the project. As such, and in cooperation with the applicant, COA #44 identifies a one-time payment of $200,000 toward the design and construction of this segment of the pathway.

STATE LAW CONTEXT

The project is proposed under State Density Bonus Law and complies with the Housing Accountability Act, which limits the City's discretion when considering action on the project to comply with objective zoning requirements. The applicant submitted a preliminary application pursuant to Senate Bill (SB) 330 (Gov. Code Section 65941.1). The preliminary application limits the project to a maximum of five public hearings once the application is complete. This meeting represents the second of five possible public hearings.

State Density Bonus - Waivers and Concessions/Incentives

The project is requesting waivers and concessions pursuant to State Density Bonus Law, as detailed in the table below. A waiver is a request to deviate from development standards that would physically preclude the construction of the project. There are no limits to the number of waivers an applicant can request. Waiver requests are identified in the table below. Concessions are deviations from requirements which result in actual cost reductions. In this case the project is eligible for one concession since it includes 5% of its units affordable to very-low-income level households. The project is requesting a concession from the public art requirement in-lieu fee. The City Council will take final action on the waivers and concession.

WAIVERS & CONCESSIONS/INCENTIVES REQUESTED	
PARKING DESIGN (WAIVERS)	LMC §6-604(d) – To reduce minimum width of 26' to 25'4" for a two-way aisle in a double bay parking lot with 90-degree angles.
SETBACK (WAIVER)	LMC §6-975.12 – To reduce the street-facing setback from 10' to 3'-6"
HEIGHT (WAIVER)	LMC §6-975.8 – To increase maximum height from 60' to 87'-9"
GROUND-LEVEL LANDSCAPING (WAIVER)	LMC §6-975.11 - To reduce ground-level landscaping from 12% of lot area (10,517 sq. ft.) to 9% of lot area (4,947 sq. ft.)
UPPER STORY SETBACK (WAIVER)	LMC §6-975.12(d) – To reduce 10-foot stepback above 20 feet in height and additional 10-foot stepback above 40 feet in height to 0 feet.
BUILDING DESIGN (WAIVER)	Downtown Objective Standard B1 Bulk - Exceeds the maximum floor area prescribed based on the ground floor (parking level). Required: 95% at 2nd and 85% at 3rd floors; Provided: 159% at 2nd and 270% at 3rd floor.
CIRCULATION (WAIVER)	PC4 Pedestrian Circulation in Parking Garages – To reduce the 5-feet-wide pedestrian route connecting the parking spaces to a building entrance.

WAIVERS & CONCESSIONS/INCENTIVES REQUESTED	
PUBLIC ART (CONCESSION)	LMC §6-26 – To eliminate 1% the public art in-lieu fee requirement.

REFERRAL AGENCIES COMMENTS AND CONDITIONS OF APPROVAL

The project plans were circulated to referral agencies for review and comment. Current comments are summarized as follows and provided in Attachment E. These comments will be addressed during the building permit review process and through the conditions of approval on the building permit.

- California Department of Transportation (Caltrans): Focused on construction measures, Caltrans provides information about the encroachment permit process, if required, and coordination regarding oversized construction equipment.
- Central Contra Costa Sanitary District (Central San): Central San anticipates having capacity to serve the development, but recommends an updated capacity review. Determine exact location of sewer connection to Terrace Way properties that traverse 1007 Oak Hill Rd (COA #37).
- East Bay Municipal Utility District (EBMUD): EBMUD requires compliance with its procedures for work adjacent to the two aqueducts and one 16-inch pipeline that provide water service to the existing commercial property which are located adjacent to the subject site to the north. The integrity of these pipelines needs to be maintained at all times. EBMUD notes that a parallel water main may need to be installed to serve the property. EBMUD requires review of construction drawings prior to construction and a pre-construction meeting. (COA #36)
- Lafayette Engineering: As specified in the geotechnical report, Engineering supports further geotechnical reporting and coordination with EBMUD to reduce potential impacts on the adjacent aqueduct as part of the final geotech report. Requires management of stormwater for any existing driveway being removed and recommends bioretention planters within the public right-of-way on Oak Hill Drive.
- Contra Costa County Fire Protection District: The Fire district requires compliance with high rise fire standards if building height exceeds 75 feet. The applicant has indicated that they do not exceed this threshold. Provide mitigation for lack of adequate fire access and service response. Provide striping and signage plan to include curbs painted red with fire lane markings. Provide water supply verification for fire protection, required hydrants, emergency escape and rescue openings, fire sprinklers, radio coverage, and traffic signal pre-emption. Compliance with the Fire Code is required prior to building permit approval (COA #20).
- City of Lafayette Landscape Consultant: The Landscape consultant review requests final tree mitigation calculations, planting plans, compliant fence heights, and adequate soil volumes (COA #35).
- Republic Services: Republic Services requires details on trash room plans, including capacity calculations; separate containers for trash, recycling, and compost; chutes for trash and recycling; and plan for how drivers will access containers (COA #34).

Other notable project conditions of approval include:

- COA #2: Extends the entitlement from one to two years before the zoning permit expires to allow flexibility in the timing for the building permit.

- COA #30: Requires color brush-outs and material samples on-site prior to installation to verify compliance with approved plans.
- COA #32: Requires undergrounding of the utility pole at the northeast corner of the site and the overhead line across Oak Hill Road to improve safety and resilience, and reduce visual clutter.
- COA #45: Identifies a contribution toward the design and construction of extending the aqueduct multi-use pathway adjacent to the site.

OTHER GOVERNING PLANS

Based on its location Downtown, the project is subject to several plans and policies:

The Downtown Specific Plan (DSP) was adopted in 2012 and contains guidance for each of the Downtown Districts. The DSP further augments the policies and programs in the General Plan by encouraging land uses that retain the character of the downtown, continuing the economic health of the community, preserving character through design, and retaining natural features. Below are excerpts providing a brief summary of the vision for the Downtown Retail District.

The Downtown Retail District is:

- *The "heart" of the downtown containing a rich mix of uses that attract pedestrians*
- *Reminiscent of a traditional downtown main street with more concentrated, easily accessible retail shopping and personal service central area*
- *An area in which the physical closeness of different uses and mixing of uses within buildings are encouraged*

The DSP proposes the Downtown Retail District will be where:

- Be Lafayette's primary retail center
- Have a critical and compact mass and a more intimate feel
- Be walkable and have new buildings close to the sidewalks
- Take advantage of the BART station
- Have ground floor uses attracting the pedestrian shopper through attractive displays and signage

Review: The Project is consistent with the DSP as it proposes a mixed-use development in the Downtown to support a diversity of residents. Redevelopment of the site will further the goals outlined in the DSP by providing much-needed transit-oriented residential housing and an increase in the City's affordable housing stock by reserving 11 units for moderate and very-low income households, within easy walking distance of BART and other transit, as well as proximity to jobs and the Downtown.

Although the Project will remove the existing commercial buildings/uses on-site, it will retain a portion of the commercial office for a mixed-use development that transitions well between pedestrian retail-oriented uses south and residential use north. The proposed development with "residential units will be attractive to those who want to live in the downtown for its amenities and convenience" as it will "connect residential areas with the retail areas and the BART Station" while providing safe ingress and egress for pedestrians, bicyclists, and vehicles. Further, the Project provides stormwater management and 'landscaping that reaches the street' to enhance street frontage aesthetics and landscaping along its pedestrian access walkways from the right-of-way and throughout the site.

Downtown Specific Plan Phase I Objective Design Standards were adopted in 2019 and are required since the project proposes new multifamily development in the Downtown Specific Plan Area. The Objective Design Standards are verified by reference to uniform benchmark criteria and requirements for the elements listed below. As noted, some standards are met through waivers under State Density Bonus Law.

A summary of compliance with these standards is provided below:

Review:

- **Outdoor Space** (standard met, 25 points required, 70 points achieved). Open space is provided on the ground-level, accessible between the public right-of-way and building interiors. The space is programmed with a pet relief area, bench, planter pots, stormwater management areas, path lighting and bicycle racks. In addition to ground-level open space, the project proposes common open spaces on levels 2, 3, 5, and 7, with seating, landscaping, and a pool accessible to all units; private terraces and balconies are provided for several of the units.
- **Creeks & Landscaping** (N/A & standard met). There are no creeks on this site. The project will maintain a minimum of 15% of its surface area as general planting (lawn, shrubs, trees, and ground cover) along the front setback. A minimum of one tree will be provided in the front setback for each 400 square feet or fraction thereof of all landscaping in the front setback.
- **Parking & Circulation** (standard met w/ waiver). The bicycle parking proposed (52 bicycle spaces), exceeds the quantity required per Zoning Code and prescribed in the Objective Design Standards. Structured parking does not provide a minimum 5' wide pedestrian circulation route to building entrance; structured parking provides direct access to elevators of the residential building above.
- **Height & Scale** (standard met; 12 points required, 24 points achieved). The proposed residential building along Oak Hill Rd. maintains a consistent height along the front façade for a linear distance of no more than 60'. The proposed building facades provide building articulation with no more than 25' without articulation. As designed, the development proposes balconies, entry alcoves, juliet balconies, changes in material and façade color, roof awnings, changes in fenestration type and length/width.
- **Building Design** (standard met with waiver). The Project's second and third-story floor areas exceed the prescribed 95% and 85% ground floor area maximums. The second and third floors are 159% and 270% of the first floor massing, given the grade change at the back-of the building. The Project is seeking a waiver from meeting this standard under SDBL.

The Downtown Design Guidelines (DDG) provide details and articulation of the vision for downtown development. The guidelines give direction regarding building placement, outdoor space, circulation, scale, and building design among other things. At public hearing, the hearing bodies will need to be able to make findings pursuant to §6-275(D) Downtown Design Review Finding to approve the Project.

Review: The Project complies with the Downtown Design Guidelines by providing façades of varying depth, material and color, improving articulation and creating visual relief. Common open space is provided on levels 2, 3, 5, and 7, and private open space on several units through terraces/balconies. The outdoor areas are programmed to offer seating, landscaping, a pool and spa, and an outdoor kitchen. Stormwater planters are located on the ground-level and within the public right-of-way in coordination with the City Engineering Division.

The Project is within proximity to SR-24 and located along heavily traveled streets; to mitigate noise impacts, the Project will provide required window treatments; trees and vegetation along its boundaries as well as throughout the development which will also improve aesthetics and soften the built environment. Structured parking is integrated into the hillside to eliminate visibility of parking and allow for a site configuration that promotes safe, accessible, and continuous pedestrian circulation. Bicycle parking meets the amount required by the Code and is accessible from the lobby/street, so that it does not require interaction with vehicles in the parking garage.

The development's height and scale exceed buildings in its immediate surroundings which range between two to three-story in scale. The Project proposes seven stories along Oak Hill Road with the top-most floor units set back more than 60 feet from the property line, reducing its apparent massing from the right-of-way and providing more visual interest with the proposed landscaped open space. The proposed project would be built into the upsloping topography toward the rear to reduce massing along Terrace. The proposed building's balconies, windows, and outdoor areas offer viewing opportunities toward Mount Diablo. The project, as designed, provides variation and 'diversity in building form' through the use of plane offsets, balconies, massing changes, varied colors, and textured materials.

GENERAL PLAN COMPLIANCE

Based on the analysis above, the Project is consistent with the following goals and policies:

Land Use Element

- Goal LU-8: Enhance commercial vitality and encourage a variety of businesses Downtown.
  - Policy LU-8.3: Mixed Uses: Support mixed-use developments in the Downtown that do not conflict with the primarily retail focus of this area.
- Goal LU-9: Maintain the Downtown as a convenient and safe commercial area, which enhances the tax base and serves the shopping and business needs of the local region.
  - Policy LU-9.1: Benefit the Local Economy: Encourage commercial, retail, mixed use, and office development which benefits the local economy, generates employment for Lafayette residents, and provides goods and services needed by the community.

Circulation

- Goal C-6: Provide an attractive, well-designed system of walkways for safe and efficient pedestrian movement in Lafayette. The walkway system should connect residential areas with the local and regional trails system, public transportation, schools, parks and other community amenities, and the Downtown Core area.
- Goal C-8: Promote alternatives to the single-occupant automobile.
  - Policy C-8.2 Bicycles: Encourage bicycling by making it easier and safer for people to travel by bicycle.

Housing Element

- Goal 2: Promote a vibrant commercial and cultural downtown that meets the needs of residents and visitors and encourages a mix of retail, commercial, and residential building through zoning.
  - Policy 2.2 New mixed-use Developments: Support, as appropriate, projects that include a mix of both residential and commercial development in the Downtown by providing incentives such as scheduling joint study sessions of the City Council and commissions to gather early input, considering reductions in parking requirements if studies demonstrate different peak periods between land uses and facilitating interagency coordination during the development

review process.

- Policy 2.3 Housing Rehabilitation in Non-Residential Areas: Encourage housing rehabilitation in commercial zoning districts.

- Goal 5: Affirmatively further fair housing by taking meaningful actions that overcome patterns of segregation and foster inclusive communities.
  - AFFH Action Area 2. Encouraging new housing choices and affordability in high resource areas: promoting housing supply, choices and affordability in areas of high opportunity and outside of areas of concentrated poverty. Address this need through accessory dwelling units, SB 9 developments, and other programs.
- Goal 6: Promote the expansion of the housing throughout the City to accommodate a variety of housing types that are attractive and affordable to potential renters and home buyers at a wide range of income levels.
  - Policy 6.1 Production of New Lower-Income Units: Facilitate and support the production of new affordable housing units to meet the needs of a range of income levels.
- Goal 8: Facilitate a mix of housing types with development standards appropriate for the subject neighborhood.
  - Policy 8.1 Infill Housing: Encourage private housing development on existing infill sites to utilize existing infrastructure.

Growth Management Element

- Goal C-4 Coordinate land use and circulation planning.
  - Policy LU-8.3 Mixed Uses: Support mixed-use developments in the Downtown that do not conflict with the primarily retail focus of this area.
- Goal H-2[3]: Facilitate and encourage the development of diverse housing types and additional affordable housing units to accommodate a diversity of Lafayette citizens in terms of age and socio-economic background and to meet regional housing needs to be specified in the Housing Element.
  - Policy H-2.1 Mixed Use: Encourage the rehabilitation and development of residential uses in commercial areas where the viability of the commercial activities would not be adversely affected.
  - Policy H-2.7 Infill Housing: Encourage private housing development on existing infill sites in order to efficiently utilize existing infrastructure.

The Project is consistent with the stated goals and policies of the General Plan as it proposes 90 dwelling units, 11 of which will be affordable at moderate and very-low income levels. The proposed housing is consistent with the General Plan's direction to focus new growth in the Downtown. The Project increases housing choice by providing the availability of ownership housing of various sizes, from one- to three-bedrooms, suitable for a range of household types, helping the City meet its housing needs.

The proposed mixed-use development will not adversely affect the Downtown as it will provide much-needed housing, and space for commercial uses, and improve the Downtown Retail District in terms of function, identity, and appearance. The project incorporates step-backs and landscaping to reduce the visual massing of the building.

[3] Fulfills Measure J requirement to address housing options.

ENVIRONMENTAL REVIEW

The Project has been evaluated in accordance with the California Environmental Quality Act ("CEQA") and determined to be categorically exempt under Section 15332, Class 32: In-Fill Development Project. The Project proposes new residential construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below. Supporting CEQA documentation in Attachment F, provided by the applicant, analyzes noise, air quality, greenhouse gas emissions, biological resources, water quality, and transportation.

a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

   Although the Project exceeds the height, number of stories and density outlined in the General Plan, State Density Bonus Law specifically precludes otherwise consistent projects from being considered inconsistent with the General Plan and/or zoning designations based solely on accommodations made pursuant to the State's Density Bonus Law. The Project is generally consistent with the applicable general plan designation and general plan policies as well as with applicable zoning designation and regulations.

b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.

   The Project is within the City Limits and the site is less than five acres. The surrounding land includes an undeveloped EBMUD aqueduct parcel directly north and developed parcels with commercial and residential buildings. The developed parcels consist of a mix of commercial (furniture store, offices, Safeway), multifamily residential, and parking lot.

c) The project site has no value as habitat for endangered rare or threatened species.

   The site on which the project is proposed is and has been fully developed for nearly 50 years. Nothing on the site is designated as a habitat for endangered, rare or threatened species.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
   - Traffic: The Project meets the vehicle miles traveled screening criteria since it is within ½ mile of an existing major transit stop and would not result in significant transportation impacts individually or under cumulative conditions. See Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA, dated December 2018. The Transportation Impact Analysis (TIA) concluded that the Project will not result in any significant transportation impacts. There are no sight distance obstructions at the project driveway, and the sight distances at the project driveway exceed 250 ft (left and right of the driveway), enabling left and right turns at the stop without any visual obstruction. Therefore, the project driveway meets the minimum sight distance requirements specified in the California Manual on Uniform Traffic Control Devices (CA MUTCD).
   - Noise: The Project will be required to comply with applicable noise/nuisance ordinances and standard conditions of approval to ensure that both construction and operational-noise and vibration impacts are less than significant. The construction phase, which includes demolition of

the existing buildings, will be required to follow operating procedures of applicable codes and ordinances. With the ordinances and the conditions of approval strictly enforced, the Project will have less than significant noise impacts.

- Air Quality: As detailed in the Air Quality studies prepared for the Project, the proposed multi-family building will implement construction best practices and applicable conditions of approval to ensure no air quality impacts from construction, operational, or vehicular emissions will occur. The Project will not violate any air quality standards, will not result in any significant emissions of nonattainment pollutants, and will not expose sensitive receptors to substantial pollutant concentrations. Construction of the proposed project will involve a temporary, but less than significant generation of emissions associated with construction equipment and vehicles. The proposed project would be consistent with the Bay Area Air Quality Management District (BAAQMD's) project design elements related to natural gas, energy, vehicle miles traveled, and electric vehicles. Therefore, the proposed project would be consistent with the BAAQMD's GHG emission thresholds. Operational emissions associated with the proposed project would also not exceed BAAQMD established significance thresholds. As such, the proposed project would not result in the generation of GHG emissions that would have a significant impact on the environment.
- Water Quality: The proposed project would comply with the City's General Plan policies, including Policy LU20.6, requiring adequate sewage collection, treatment, and disposal facilities. The Project is subject to several regulations including San Francisco Bay Region MRP, City Municipal Code, Contra Costa Clean Water Program Stormwater C.3 Guidebook, and incorporation of operational BMPs to target pollutants of concern to ensure there is no significant impact to water quality. Stormwater will be treated to meet all applicable federal, state and local water quality regulations for stormwater and construction runoff. The proposed project is expected to improve existing conditions through treatment on site. The proposed project is required to comply with the California Model Water Efficient Landscape Ordinance. Therefore, the proposed project would not conflict with any of the water conservation and efficiency measures.

e) The site can be adequately served by all required utilities and public services.

The site location will allow it to be served by utilities and public services. Referrals to service providers have been sent.

PUBLIC NOTICE AND COMMENT

Property owners within a 500-foot radius of the subject property were mailed a notice of for the Planning Commission and the immediate area was posted at least ten days prior to the public hearing. Staff received no public comments at the time of report publication.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing, review the revised proposal, and adopt Resolution 2025-02 (Attachment A) recommending approval to City Council.

ATTACHMENTS

A. Resolution 2025-02
   - Exhibit A: Conditions of Approval

B. Architectural Plans, Civil Plans, Landscape Plans, received March 31, 2025
C. Vesting Tentative Map, received March 25, 2025
D. Applicant Narrative, received April 8, 2025
E. Referral Response Letters
F. CEQA Exemption Documentation
- Categorical Exemption Memorandum
- Noise and Vibration Analysis
- Biological Resources Analysis
- Air Quality and Greenhouse Gas Emissions Analysis
- Water Quality Analysis
- Transportation Impact Analysis

LINKS

A. DR18-24 – January 21, 2025 Joint DRC/PC materials (hyperlink for reference)
1. Staff Packet
2. Architectural Plans, Civil Plans, Preliminary Landscape Plans received January 10, 2024
3. Meeting Minutes

B. DR18-24 – March 10, 2025 DRC materials (hyperlink for reference)
1. Staff Packet
2. Architectural Plans, Civil Plans, Preliminary Landscape Plans received February 24, 2024
3. Meeting Minutes